

EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: Genwal Resources, Inc/Crandall Canyon Mine
 Permit #: C/015/032

NOV # N04-49-5-1
 Violation # 1 of 1

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- | | | |
|-------------------------------------|----|--|
| <input type="checkbox"/> | a. | Activity outside the approved permit area. |
| <input checked="" type="checkbox"/> | b. | Injury to the public (public safety). |
| <input type="checkbox"/> | c. | Damage to property. |
| <input type="checkbox"/> | d. | Conducting activities without appropriate approvals. |
| <input checked="" type="checkbox"/> | e. | Environmental harm. |
| <input type="checkbox"/> | f. | Water pollution. |
| <input type="checkbox"/> | g. | Loss of reclamation/revegetation potential. |
| <input type="checkbox"/> | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/> | i. | No event occurred as a result of the violation. |
| <input type="checkbox"/> | j. | Other. |

Explanation: Environmental harm can occur from the improper handling, storage, and containment of noncoal waste. Injury to the public can occur from having combustible items in and around fuel and oil storage containment facilities.

2. Has the even occurred? No

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: _____

3. Did any damage occur as a result of the violation? No

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not bee discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: _____

Event Violation Inspector's Statement

NOV/CO # N04-49-5-1
Violation # 1 of 1

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: Lack of resonable care. The operator had been warned on previous inspections that enforcement action would be taken if the noncoal waste items were not picked up, placed and contained in the appropriate noncoal waste storage facility.

- ☒ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: The potential for environmental harm and harm to the public is evident from the improper handling and storage of noncoal waste items at the mine site. Combustible items in and around fuel and oil storage areas creates serious concerns to the safety of the employees at the mine facilities.

- ☐ Was the operator in violation of a specific permit condition?

Explanation: _____

- ☐ Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: _____

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NOV/CO # N04-49-5-1
Violation # 1 of 1

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The abatement date assigned to the violation was given as October 8, 2004. The violation was terminated on September 13, 2004. The operator notified the Division Inspector on September 13, 2004 that the noncoal waste items were gathered and placed in the proper containment facility. A site inspection was conducted on September 13, 2004 and the items had been picked up and place in the proper storage facility.

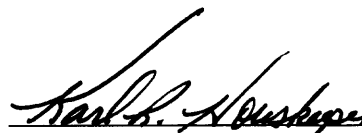
2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: _____

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: _____

Karl R. Houskeeper
Authorized Representative


Signature

September 15, 2004
Date

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